

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

CALLAWAY GOLF COMPANY, )  
Plaintiff, ) C.A. No. 06-91 (SLR)  
v. )  
ACUSHNET COMPANY, )  
Defendant. )

**ACUSHNET'S PROPOSED VERDICT FORM  
AND INTERROGATORIES TO THE JURY**

You, the jury, are to answer the following questions based on the evidence admitted at trial and according to the Instructions the Court has given you. Start with Question No. I and proceed through the questions following the directions included in this Verdict Form.

## **I. VALIDITY OF ASSERTED PATENT CLAIMS**

### **A. Anticipation**

Do you find by clear and convincing evidence that any of the following asserted patent claims is invalid due to anticipation? (A "YES" answer to this question is a finding for ACUSHNET. A "NO" answer to this question is a finding for CALLAWAY GOLF.)

#### **U.S. Patent No. 6,210, 293 ('293 Patent)**

Claim 1	Yes _____	No _____
Claim 4	Yes _____	No _____
Claim 5	Yes _____	No _____

#### **U.S. Patent No. 6,503,156 ('156 Patent)**

Claim 1	Yes _____	No _____
Claim 2	Yes _____	No _____
Claim 3	Yes _____	No _____

#### **U.S. Patent No. 6,506,130 ('130 Patent)**

Claim 5	Yes _____	No _____
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#### **U.S. Patent No. 6,595,873 ('873 Patent)**

Claim 1	Yes _____	No _____
Claim 3	Yes _____	No _____

**B. Obviousness**

Do you find by clear and convincing evidence that any of the following claims is invalid due to obviousness? (A "YES" answer to this question is a finding for ACUSHNET. A "NO" answer to this question is a finding for CALLAWAY GOLF.)

**U.S. Patent No. 6,210,293 ('293 Patent)**

Claim 1 Yes \_\_\_\_\_ No \_\_\_\_\_

Claim 4 Yes \_\_\_\_\_ No \_\_\_\_\_

Claim 5 Yes \_\_\_\_\_ No \_\_\_\_\_

**U.S. Patent No. 6,503,156 ('156 Patent)**

Claim 1 Yes \_\_\_\_\_ No \_\_\_\_\_

Claim 2 Yes \_\_\_\_\_ No \_\_\_\_\_

Claim 3 Yes \_\_\_\_\_ No \_\_\_\_\_

**U.S. Patent No. 6,506,130 ('130 Patent)**

Claim 5 Yes \_\_\_\_\_ No \_\_\_\_\_

**U.S. Patent No. 6,595,873 ('873 Patent)**

Claim 1 Yes \_\_\_\_\_ No \_\_\_\_\_

Claim 3 Yes \_\_\_\_\_ No \_\_\_\_\_

**C. Lack of Enablement**

Do you find by clear and convincing evidence that any of the following patent claims is invalid due to lack of enablement? (A "YES" answer to this question is a finding for ACUSHNET. A "NO" answer to this question is a finding for CALLAWAY GOLF.)

**U.S. Patent No. 6,210, 293 ('293 Patent)**

Claim 1	Yes _____	No _____
Claim 4	Yes _____	No _____
Claim 5	Yes _____	No _____

**U.S. Patent No. 6,503,156 ('156 Patent)**

Claim 1	Yes _____	No _____
Claim 2	Yes _____	No _____
Claim 3	Yes _____	No _____

**U.S. Patent No. 6,506,130 ('130 Patent)**

Claim 5	Yes _____	No _____
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**U.S. Patent No. 6,595,873 ('873 Patent)**

Claim 1	Yes _____	No _____
Claim 3	Yes _____	No _____

*Answer the following questions in Section II only if you find that any asserted claim of the patents-in-suit is valid.*

**II. DAMAGES – PATENT INFRINGEMENT**

**A. Lost Profits**

Do you find that CALLAWAY GOLF has proven by a preponderance of the evidence that it is entitled to recover lost profits during the period from September of 2003 through December of 2008 because it lost sales due to Acushnet's manufacture, use, or sale of the infringing ProV1 products? (A "YES" answer to this question is a finding for CALLAWAY GOLF. A "NO" answer is a finding for ACUSHNET.)

LOST PROFITS	YES	NO

**B. Amount of Lost Profits**

If you found that CALLAWAY GOLF is entitled to recover lost profits during the period from September of 2003 through December of 2008, what amount of profits do you find by a preponderance of the evidence CALLAWAY GOLF lost as a result of ACUSHNET's patent infringement during that period?

\$ \_\_\_\_\_

**C. Amount of Reasonable Royalty**

For any sales for which you have not awarded lost profits, respond to the following question. (Note: you cannot award *both* lost profits and reasonable royalties for same sales. This section only applies to sales for which you have not awarded lost profits.)

What amount of reasonable royalty damages, if any, do you find by a preponderance of the evidence that CALLAWAY GOLF has proven it is owed due to ACUSHNET's patent infringement?

\$ \_\_\_\_\_

You must each sign this verdict form:

**Dated:** \_\_\_\_\_


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Dated: February 26, 2010  
955090/30030

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

**CERTIFICATE OF SERVICE**

I, David E. Moore, hereby certify that on February 26, 2010, the attached document was electronically filed with the Clerk of the Court using CM/ECF which will send notification to the registered attorney(s) of record that the document has been filed and is available for viewing and downloading.

I further certify that on February 26, 2010, the attached document was Electronically

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